REMARKS

The indication of allowable subject matter in claims 39-41 and 44-47 is acknowledged and appreciated. In this regard, claim 46 has been rewritten into independent form so as to be in condition for allowance. In view of the following remarks, it is respectfully submitted that all claims are in condition for allowance.

Claims 33-38, 42 and 43 stand rejected under 35 U.S.C. § 102 as being anticipated by Onomura et al. '238 ("Onomura"). Claims 35 and 42 are independent. This rejection is respectfully traversed for the following reasons.

A. Claim 35

Claim 35 recites in pertinent part, "wherein said n-side electrode is formed ***on one side of said p-side electrode*** and is a divided electrode comprising a plurality of conductive members spaced apart from each other" (emphasis added). One exemplary embodiment is shown in Figure 6 of Applicants' drawings, whereby the n-side electrode 16 is formed on one side of the p-side electrode 15. The Examiner has broadly interpreted the element 112 of Onomura as the alleged *divided* electrode.

Specifically, it appears the Examiner has interpreted the element pointed to by reference numeral 112 (right side of Figure 1 of Onomura) as one of the conductive members making up the divided electrode, and the *unnumbered* element having the same cross-hatching as element 112 and positioned on the opposite side of the alleged p-side electrode 110 (left side of Figure 1) as the other one of the conductive members. Accordingly, Onomura fails to disclose or suggest a *divided* electrode formed on at least one side of the alleged p-side electrode 110 as embodied by claim 35. In contrast, Onomura at best discloses a non-divided electrode on both sides of the alleged p-side electrode 110.

B. Claim 42

Claim 42 recites in pertinent part, "said plurality of conductive members are formed so as to be asymmetrical in plan view ***with respect to a longitudinal direction of said p-side electrode***" (emphasis added). One exemplary embodiment is shown in Figure 9 of Applicants' drawings, whereby the plurality of conductive members 16a, 16b are formed so as to be asymmetrical in plan view with respect to a longitudinal direction of the p-side electrode 15.

Onomura, on the other hand, is completely silent as to the configuration of the conductive members of the alleged n-side electrode 112 with respect to the longitudinal direction of the alleged p-side electrode 110. Figure 1 of Onomura discloses only the configuration relative to the width direction of the alleged p-side electrode 110.

Moreover, Onomura expressly discloses that "[t]he n-side electrode 112 is preferably parallel with and distant within 10 μm from the stripe-shaped current blocking structure to be made later" (col. 5, lines 25-27), thereby suggesting that the formation of the alleged n-side electrode 112 is merely conventional, i.e., as a continuous layer along the alleged p-side electrode 110 so as to be symmetrical. In any event, Onomura does not disclose or suggest, expressly nor inherently, that the alleged plurality of conductive members are formed so as to be asymmetrical in plan view with respect to a longitudinal direction of the alleged p-side electrode 110.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (**noting that "inherency may not be established by probabilities or possibilities**", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Onomura does not anticipate the independent claims, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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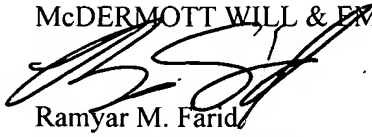

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